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Human Rights Council
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Resolution adopted by the Human Rights Council on 18 May 2018

S-28/1. Violations of international law in the context of large-scale civilian protests in the Occupied Palestinian Territory, including East Jerusalem

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling General Assembly resolution 60/251 of 15 March 2006, Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and all other relevant United Nations resolutions,

Affirming the applicability of international human rights law and international humanitarian law, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem,

Reaffirming that all High Contracting Parties to the Fourth Geneva Convention are under the obligation to respect and ensure respect for the obligations arising from the said Convention in relation to the Occupied Palestinian Territory, including East Jerusalem, and reaffirming also their obligations under articles 146, 147 and 148 with regard to penal sanctions, grave breaches and the responsibilities of the High Contracting Parties,

Convinced that the lack of accountability for violations of international law reinforces a culture of impunity, leading to a recurrence of violations and seriously endangering international peace,

Noting the systematic failure by Israel to carry out genuine investigations in an impartial, independent, prompt and effective way, as required by international law, into the violence and offences against Palestinians by the occupying forces, and to establish judicial accountability for its actions in the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing the obligations of Israel as the occupying Power to ensure the safety, well-being and protection of the Palestinian civilian population under its occupation in the Occupied Palestinian Territory, including East Jerusalem,

Emphasizing also that the intentional targeting of civilians and other protected persons in situations of armed conflict, including foreign occupation, constitutes a grave

breach of international humanitarian law and international human rights law, and poses a threat to international peace and security,

Recognizing the importance of the right to life and the right to freedom of peaceful assembly and association to the full enjoyment of all human rights,

1. *Condemns* the disproportionate and indiscriminate use of force by the Israeli occupying forces against Palestinian civilians, including in the context of peaceful protests, particularly in the Gaza Strip, in violation of international humanitarian law, international human rights law and relevant United Nations resolutions, and expresses its grief at the extensive loss of life, including of children, women, health workers and journalists, and at the high number of injuries;

2. *Calls for* an immediate cessation of all attacks, incitement and violence against civilians throughout the Occupied Palestinian Territory, including East Jerusalem;

3. *Calls upon* all parties to ensure that future demonstrations remain peaceful and to abstain from actions that could endanger the lives of civilians;

4. *Demands* that Israel, the occupying Power, immediately and fully end its illegal closure of the occupied Gaza Strip, which amounts to collective punishment of the Palestinian civilian population, including through the immediate, sustained and unconditional opening of crossings to the flow of humanitarian aid, commercial goods and persons, especially those in need of urgent medical attention, to and from the Gaza Strip, in compliance with its obligations under international humanitarian law;

5. *Decides* to urgently dispatch an independent, international commission of inquiry, to be appointed by the President of the Human Rights Council, to investigate all alleged violations and abuses of international humanitarian law and international human rights law in the Occupied Palestinian Territory, including East Jerusalem, particularly in the occupied Gaza Strip, in the context of the military assaults on the large-scale civilian protests that began on 30 March 2018, whether before, during or after; to establish the facts and circumstances, with assistance from relevant experts and special procedure mandate holders, of the alleged violations and abuses, including those that may amount to war crimes; to identify those responsible; to make recommendations, in particular on accountability measures, all with a view to avoiding and ending impunity and ensuring legal accountability, including individual criminal and command responsibility, for such violations and abuses, and on protecting civilians against any further assaults; and to present an oral update thereon to the Council at its thirty-ninth session and a final, written report at its fortieth session;

6. *Calls upon* Israel, the occupying Power, and all relevant parties to cooperate fully with the commission of inquiry and to facilitate its access, requests the cooperation, as appropriate, of other relevant United Nations bodies with the commission of inquiry to carry out its mission, and requests the assistance of the Secretary-General and the United Nations High Commissioner for Human Rights in this regard, including in the provision of all administrative, technical and logistical assistance required to enable the commission of inquiry and special procedure mandate holders to fulfil their mandates promptly and efficiently;

7. *Decides* to remain seized of the matter.

2nd meeting
18 May 2018

[Adopted by a recorded vote of 29 to 2, with 14 abstentions. The voting was as follows:

In favour:

Afghanistan, Angola, Belgium, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Democratic Republic of the Congo, Ecuador, Egypt, Iraq, Kyrgyzstan, Mexico, Nepal, Nigeria, Pakistan, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Slovenia, South Africa, Spain, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Australia, United States of America

Abstaining:

Croatia, Ethiopia, Georgia, Germany, Hungary, Japan, Kenya, Panama, Republic of Korea, Rwanda, Slovakia, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland]